United Nations S/2003/510

Security Council

Distr.: General
30 April 2003
English
Original: French

Letter dated 28 April 2003 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

As you are aware, the Linas-Marcoussis Agreement and the Accra meeting of 7 March 2003 set out the broad framework and steps to be taken to enable Côte d'Ivoire to emerge from the military and political crisis which has been ravaging the country since 19 September 2002.

On instructions from my Government, and bearing in mind the Security Council's keen interest in my country and, in particular, in the resolution of this crisis, I have the honour to inform you of the progress made in implementing those agreements, and of our concerns with regard to certain reactions of the Security Council.

I should be grateful if you would have this letter circulated as a document of the Security Council.

You will no doubt recall that, on 25 January 2003, by means of a decree issued at the Embassy of Côte d'Ivoire in France, the President of the Republic appointed by consensus Ambassador Seydou Elimane Diarra as Prime Minister.

That significant event was followed by another of equal importance, namely the delegation of substantial powers to Prime Minister Diarra by means of a decree dated 10 March 2003.

Furthermore, by a decree dated 13 March 2003, the National Security Council was established and, immediately thereafter, its members were appointed.

In addition, following a proposal put forward by the Prime Minster, the members of the Government of National Reconciliation were appointed by a decree dated 13 March 2003.

Pending the appointment by the National Security Council, by consensus, in accordance with the Accra Agreement, of two prominent figures to head the Departments of Defence and the Interior, two Ministers were nominated by the Prime Minister and appointed by a decree dated 24 March 2003 to ensure the interim running of these two important ministerial departments.

In this connection, I am pleased to inform you that five sessions of the Council of Ministers have already been held: the two most recent sessions were held in Abidjan and brought together all the members of the Government, including those from the rebel side.

In view of these significant developments towards a return to peace and stability in Côte d'Ivoire, allow me to convey to you our entire satisfaction with the untiring and

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relentless efforts made by the United Nations since the outbreak of the conflict to find a lasting political situation to the serious crisis which, for more than seven months, has been destabilizing Côte d'Ivoire and the whole of the West African subregion.

The Ivorian Government would like to take this opportunity to reaffirm to you and to all the members of the Security Council its deepest gratitude for your unceasing support.

On behalf of the Government, I should like to convey particular thanks to the Secretary-General, Mr. Kofi Annan, whose personal commitment to the resolution of the crisis has contributed significantly to the encouraging results we have obtained.

Nevertheless, despite this progress, the Ivorian Government is concerned at the disinterest of the international community, and in particular of the Council, with regard to the numerous atrocities and flagrant violations of the Linas-Marcoussis Agreement, in particular the ceasefire, which are endangering the peace process.

This attitude is all the more disturbing since it gives the Government and the suffering population the unwelcome impression that the international community is indifferent to the tragedies which are occurring on a daily basis in rebel-controlled areas and, in particular, in western Côte d'Ivoire.

Since the crisis began, no statements or public communiqués issued by the Security Council have expressly or strongly condemned the atrocities committed in the occupied areas. Nor has there been any condemnation of the rapes, looting, racketeering, thefts and summary executions. Even Security Council resolution 1464 (2003) does not condemn the aggressors.

In contrast, in Government-controlled areas, Ivorians have only to organize demonstrations, in exercise of a universally recognized democratic right, to be vilified and accused of colluding with the Government, the authority of which certain elements are seeking to undermine.

Likewise, when the Government exercises its right to self-defence, as provided for in Article 51 of the Charter of the United Nations, it is challenged. And as though the Government were being prevented from defending itself, it is criticized for using MI-24 helicopters, which are classed as conventional weapons.

The Council should be reminded that the rebel forces have at their disposal much more sophisticated weapons than those used by the loyalist forces, and that neither the use nor the origin of those weapons has ever seemed to concern the international community. It would appear that some people are hoping that the national army will be defeated and, in consequence, that the current regime will be overturned.

The signing of the Linas-Marcoussis Agreement, which mobilized the entire international community, gave rise to genuine hopes regarding an end to the crisis.

In order to preserve the chances for a successful outcome of the peace process, the Security Council should demonstrate increased vigilance and do everything in its power to ensure that the rebel forces respect the terms of the Agreement, in particular the ceasefire, and put an end to all atrocities committed in the areas under their control.

(*Signed*) D. Philippe **Djangoné-Bi**
Ambassador
Permanent Representative

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Security Council

Distr.: General
30 April 2003

Original: English

Letter dated 29 April 2003 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to transmit herewith the report on the international security presence in Kosovo for the period from 1 to 31 March 2003 (see annex).

I should be grateful if this letter could be brought to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

03-34159 (E) 010503

Annex

Monthly report to the United Nations on the operations of the Kosovo Force

1. Over the reporting period (1-31 March 2003) there were just over 26,000 troops of the Kosovo Force (KFOR) in theatre.

Security

2. The overall security situation in Kosovo during the month of March was generally stable.

3. On 2 March, there was a grenade attack on an UNMIK police station in northern Mitrovica. The building and three vehicles were damaged. The incident is believed to be criminally motivated. On 21 March, there were two separate grenade attacks within a few hours of each other on UNMIK police stations in Pristina. There were no casualties. KFOR detained three men following the second incident; the investigation is continuing.

4. On 21 March KFOR detained Xhavit Morina, a former NLA leader and self-styled Albanian National Army (AKSh) commander, suspected of operating in the former Yugoslav Republic of Macedonia.[1] On 28 March, KFOR detained the vice-president of the Kosovo Society of War Veterans and former KLA commander Fatmir Mahmeti, who had been listed as a threat to security.

5. KFOR forces continued to conduct intelligence-based surveillance operations and patrolling throughout the province to stop illegal activities and weapons smuggling, and to minimize the risk of terrorist activity.

6. During the period under review, KFOR collected a significant amount of weapons and ammunition. Items confiscated during the month included 150 assorted weapons; 198 grenades and mines; and 102,290 rounds of ammunition. Of the total number of rounds of ammunition found, about 97,500 rounds were discovered on 19 March, the largest amount of ammunition seized during one operation since 1999. The incident occurred on the Beli Drim River, near the border crossing point of Morina South, when seven crates of ammunition were found on board two boats on their way to Kosovo. The persons responsible have not been found.

Border/boundary security

7. KFOR continued to monitor border and boundary security, and reported that the number of persons attempting to cross borders illegally decreased during the reporting period.

Cooperation and compliance by the parties

8. The security forces of Serbia and Montenegro continued to remain in compliance with the terms and conditions of the Military Technical Agreement.

9. During March, 11 roll-calls of the Kosovo Protection Corps (KPC) were called at short notice across the province. The rate of absenteeism with permission is still high even though UNMIK has already issued a policy directive stating that the

[1] Turkey recognizes the Republic of Macedonia with its constitutional name.

minimum availability of KPC personnel required a 75 per cent presence at all times. The need to have a terms of service contract drawn up for KPC personnel has been agreed, and a second draft is being reviewed by UNMIK and the Joint Implementation Commission.

10. Twenty cases of non-compliance were reported during the month; they include 13 cases of absenteeism, the others relating to assault, insubordination and misuse of position. Seventy-nine cases remain open.

11. On 24 March, a former high-ranking KPC officer, Sali Veselj, was sentenced by Prizren District Court to 10 years' imprisonment for incitement to murder in the killing in May 2000 of Ekrem Redza, a former KLA leader. The trial of Veselj and four others was the longest post-war prosecution in Kosovo, and resulted in the conviction of Veselj, a sentence of two-and-a-half years for Halil Caradaku as an accessory to murder, and the acquittal of the other three men.

Cooperation with international organizations

12. KFOR continued to provide assistance, on request, to international and non-governmental organizations working throughout Kosovo, and to provide security assistance in support of UNMIK police operations.

13. On 25 March, the newly formed Civil Protection Development Group held its inaugural meeting. The Civil Protection Development Group was established to engage the international community and KPC as partners in the development of KPC in accordance with its current mandate. The Group is co-chaired by the Special Representative of the Secretary-General and the Commander of KFOR. Its members include several high-level representatives of the international community, including heads of liaison offices in Kosovo, and the UNMIK KPC Coordinator. The KPC Commander and his deputy represent KPC.

Outlook

14. The overall security situation in Kosovo continues to improve steadily. While isolated acts of violence and instances of KPC non-compliance continue, there is not believed to be a significant threat to the safe and secure environment of the province.

United Nations S/2003/512

Security Council

Distr.: General
30 April 2003

Original: English

Letter dated 29 April 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 25 April 2003, which I received from the Secretary-General of the North Atlantic Treaty Organization (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

03-34165 (E) 010503

Annex

Letter dated 25 April 2003 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the monthly report on SFOR operations for March 2003. I would appreciate your making this report available to the Security Council.

(*Signed*) George **Robertson**

Enclosure

Monthly report to the United Nations on the operations of the Stabilization Force

1. Over the reporting period (1-31 March 2003) there were just over 12,600 troops of the Stabilization Force (SFOR) deployed in Bosnia and Herzegovina and Croatia, with contributions from the NATO allies and from 12 non-NATO countries.

2. During the period under review, the overall situation in Bosnia and Herzegovina remained stable despite reports of some ethnically-motivated violence.[1]

3. On 9 March, a rocket grenade was fired into a betting shop in Mostar. This incident is believed to be criminally motivated. On 10 March, five Bosnian Serb returnees working in fields in Brvnik were killed by an anti-personnel mine. The explosion happened in an area which was known to be mined.

4. On 7 March, SFOR carried out a search in support of the Office of the High Representative at the Serbian Democratic Party headquarters in Pale and Lukavica, targeting the two key figures supporting the network protecting Radovan Karadzic. SFOR confiscated documents and electronic recording equipment and took them away for analysis.

Security

5. SFOR continues to contribute to the maintenance of a safe and secure environment in Bosnia and Herzegovina; monitor compliance by the Entity Armed Forces; conduct inspections and monitor consolidation of weapons storage sites; provide support to the international organizations working in theatre, and to the Federation authorities in collecting weapons and ammunition in the framework of Operation Harvest; and monitor possible terrorist-related threats throughout the country.

6. The total number of items collected during the month under Operation Harvest included: 596 small arms (rifles, pistols and revolvers); 94,899 rounds of ammunition less than 20 mm; 299 rounds of ammunition between 20 mm and 76 mm; 21 rounds of ammunition greater than 76 mm; 5,404 hand grenades; 208 mines; 117.5 kilograms of explosives; and 2,425 other items (mortars, mortar rounds, rifle grenades, attack rockets and hand-made ordnance).

Cooperation and compliance by the parties

7. On 7 March, SFOR carried out a number of unannounced inspections at military facilities belonging to the Republika Srpska and the Federation in Banja Luka, Bihac and Bijeljina to ensure compliance with the Dayton Peace Accords and the "Instructions to the Parties". SFOR inspected and removed information kept by the 410th Intelligence Detachment of the Republika Srpska Army (VRS) to check on compliance.

[1] Three explosions which occurred in Mostar and Banja Luka were reported by SFOR at the end of the last reporting period. In one of those incidents, a grenade exploded in the flat occupied by a family of returnees, killing the father and injuring his son.

8. On 17 March, the Republika Srpska Supreme Defence Council sent the final report on the Orao affair to the Commander of SFOR and, on the same day, the Bijeljina Public Prosecutor filed charges against 17 Republika Srpska officials who were either involved in or had tried to cover up the illegal export of weapons. Among those accused was the VRS Acting Chief of Staff, General Momir Zec. Although General Zec was the only official named, the Prosecutor's office described the criminal charges against the others in some detail. Three company officials were accused of illegally producing and trading weapons while three others were charged with abuse of office. Five senior VRS officers of the commission that investigated the case and who denied any violation of the United Nations arms embargo were charged with covering up illegal exports. Six customs officials were charged with abuse of office.

9. During the period under review, SFOR monitored 220 training and movement activities: 85 VRS and 135 VF (Army of the Federation of Bosnia and Herzegovina). SFOR monitored 87 mine-clearing activities: 81 VRS and 6 VF. SFOR also carried out 136 inspections and verification of weapons storage sites: 70 VRS and 66 VF.

Cooperation with international organizations

10. Within capabilities and in accordance with its mandate, SFOR continues to provide assistance to the international organizations working in theatre.

Outlook

11. The security situation is expected to remain stable.

United Nations S/2003/513

Security Council

Distr.: General
28 April 2003

Original: English

Letter dated 21 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 22 November 2002 (S/2002/1280).

The Counter-Terrorism Committee has received the attached third report from Australia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-34579 (E) 130503

Annex

Letter dated 8 April 2003 from the Permanent Representative of Australia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I write in response to a letter from your predecessor, Ambassador Greenstock, of 15 November 2002, in which the Counter-Terrorism Committee sought a progress report on the passage and bringing into operation of the counter-terrorism legislation that was before the Australian Parliament at the time of submission of Australia's supplement to its second report to the Committee.

I am pleased to provide a further report which contains the information sought (see enclosure).

I should also congratulate you on your assuming the important office of Chairman of the Committee, and assure you of Australia's full cooperation and assistance during your entire term.

(*Signed*) John **Dauth**

Enclosure

Supplement to second report of Australia to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

1. In a letter of 15 November 2002, the Committee sought a progress report on the passage and bringing into operation of the counter-terrorism legislation that was before the Australian Parliament at the time of submission of the supplementary report on 18 July 2002. This report responds to that request.

2. The Government's Counter Terrorism Legislation package consisted of the following Acts:

Security Legislation Amendment (Terrorism) Act 2002

Suppression of the Financing of Terrorism Act 2002

Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002

Telecommunications Interception Legislation Amendment Act 2002

Border Security Legislation Amendment Act 2002

Criminal Code Amendment (Anti-Hoax and Other Measures) Act 2002

The Security Legislation Amendment (Terrorism) Act 2000, Suppression of the Financing of Terrorism Act 2002, Border Security Legislation Amendment Act 2002 and Telecommunications Interception Legislation Amendment Act 2002 received Royal Assent on 5 July 2002. The *Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002* received Royal Assent on 3 July 2002. The *Criminal Code Amendment (Anti-Hoax and Other Measures) Act 2002* received Royal Assent on 4 April 2002. The Acts amended a range of legislation as described below.

Treason offence

3. The *Security Legislation Amendment (Terrorism) Act 2002* replaced the former treason offence in section 24 of the *Crimes Act 1914* with a new offence in section 80.1 of the Criminal Code from 6 July 2002. Under the new offence, assisting those engaged in armed hostilities with the Australian Defence Force constitutes treason even if those others are an organisation rather than another country, and even if there is no formally declared war. The offence applies to harms directed against the Governor-General and Prime Minister as well as the Sovereign.

Terrorism offences

4. The *Security Legislation Amendment (Terrorism) Act 2002* inserted the following new offences in the Criminal Code, with effect from 6 July 2002:

s 101.1	Engaging in a terrorist act (punishable by life imprisonment);
subs 101.2(1)	Providing / receiving training connected with a terrorist act[1] - knowing the connection (25 years imprisonment);

[1] The phrase "connected with a terrorist act" is a shorthand for the phrase "connected with preparation

subs 101.2(2) Providing / receiving training connected with a terrorist act - reckless as to the connection (15 years imprisonment);

subs 101.4(1) Possessing a thing connected with a terrorist act - knowing the connection (15 years imprisonment);

subs 101.4(2) Possessing a thing connected with a terrorist act - reckless as to the connection (10 years imprisonment);

subs 101.5(1) Collecting / making a document connected with a terrorist act - knowing the connection (15 years imprisonment);

subs 101.5(2) Collecting / making a document connected with a terrorist act - reckless as to the connection (10 years imprisonment);

s 101.6 Doing acts in preparation for or planning a terrorist act (life imprisonment).

5. The phrase "terrorist act" is defined in section 100.1 as an act, or threat of action, that is done or made with the intention of advancing a political, ideological or religious cause; and done or made with the intention of either coercing or influencing by intimidation an Australian government or the government of another country; or intimidating the public or a section of the public. The act must also cause a person serious physical harm or death, or involve serious risk to public health or safety, serious damage to property, or serious interference with an electronic system, or be a threat to do any of these acts.

6. Advocacy, protest, dissent and industrial action is excluded from the definition of "terrorist act" if not intended to cause serious physical harm to a person; or to cause a person's death; or to endanger the life of a person, other than the person taking the action; or to create a serious risk to the health or safety of the public or a section of the public.

Terrorist organisations offences

7. The *Security Legislation Amendment (Terrorism) Act 2002* inserted the following new offences directed against terrorist organisations in the Criminal Code, with effect from 6 July 2002:

subs 102.2(1) intentionally directing the activities of a terrorist organisation knowing it is a terrorist organisation (25 years imprisonment);

s 102.3 intentionally being a member of a terrorist organisation listed by the UN Security Council under a resolution relating to terrorism, knowing it is a terrorist organisation (10 years imprisonment);

subs 102.4(1) intentionally recruiting a person to a terrorist organisation, knowing it is a terrorist organisation (25 years imprisonment);

subs 102.5(1) intentionally providing training to or receiving training from a terrorist organisation, knowing it is a terrorist organisation (25 years imprisonment);

subs 102.6(1) intentionally receiving funds from or making them available to a terrorist organisation, knowing it is a terrorist organisation (25 years imprisonment);

subs 102.7(1) intentionally providing support or resources to a terrorist organisation that would help it engage in (in effect) terrorist related activities, knowing it is a terrorist organisation (25 years imprisonment).

Each of the offences except the membership offence is mirrored by a subsection (2) offence applicable where the defendant is reckless to the organisation being a terrorist organisation, carrying a maximum penalty of 15 years imprisonment.

8. The definition of "terrorist organisation" in subsection 102.1(1) is central to the operation of each of the offences. There are two alternate ways in which an organisation can be determined to be a terrorist organisation. First, if a person is prosecuted for one of the terrorist organisations offences, an organisation is a terrorist organisation if a court is satisfied beyond reasonable doubt that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not the terrorist act occurs). Secondly, if the organisation is specified by regulation. A regulation can be made only if the Minister is satisfied on relevant grounds that the organisation is identified in or pursuant to a decision of the United Nations Security Council relating to terrorism and that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not the terrorist act occurs). Regulations cease to have effect two years after their commencement.

Financing of terrorism offence

9. The *Suppression of the Financing of Terrorism Act 2002* inserts a new section 103.1 into the Criminal Code, which makes it an offence to (intentionally) provide or collect funds, reckless as to whether those funds will be used to facilitate or engage in terrorism. The maximum penalty is life imprisonment. The provision commenced on 6 July 2002.

Financial intelligence provisions

10. The *Suppression of the Financing of Terrorism Act 2002* amended section 16 of the *Financial Transactions Reports Act 1988*, commencing on 5 July 2002, to oblige cash dealers to report suspected terrorist-related transactions. In addition, the Director of the Australian Transaction Reports and Analysis Centre (Austrac, Australia's financial intelligence unit), the Australian Federal Police Commissioner and the Director-General of Security have been empowered to disclose financial transaction reports information directly to foreign countries, foreign law enforcement agencies and foreign intelligence agencies, subject to appropriate undertakings to protect the confidentiality of the information, control the use of the information and ensure that the information is used only for the purpose for which it was communicated.

Asset freezing provisions

11. The *Suppression of the Financing of Terrorism Act 2002* inserted a new Part 4 of the *Charter of the United Nations Act 1945* ("the Act") to replace the *Charter of the United Nations (Anti-terrorism Measures) Regulations 2001* as the mechanism to implement Australia's obligations to freeze terrorist assets under Security Council resolution 1373 (2001). These amendments commenced on 13 December 2002.

12. Section 20 makes it an offence for a person who holds a "freezable asset" to use or deal with the asset, or allow the asset to be used or dealt with, or facilitate the use of the asset or dealing with the asset. Section 21 makes it an offence to, directly or indirectly, make an asset available to a proscribed person or entity. A "freezable asset" is an asset owned or controlled by a "proscribed person or entity", or an asset listed by the Minister under section 15 of the Act, or is derived or generated from such assets. A "proscribed person or entity" is a person or entity listed by the Minister under section 15 or a person or entity proscribed by regulation under section 18. Section 15 provides for the Governor-General to make regulations prescribing the matters of which the Minister must be satisfied before listing a person, entity or asset, to give effect to a decision that the Security Council has made under Chapter VII of the Charter of the United Nations relating to terrorism and dealings with assets. Section 22A provides for the Governor-General to make regulations relating to procedures for the implementation of asset freezing.

13. Pursuant to sections 15 and 22A, the Governor-General made the *Charter of the United Nations (Terrorism and Dealings with Assets) Regulations 2002*. Regulations 2 to 6 provide for the transition between the old and new asset freezing mechanisms and the "prescribed matters" provided for in section 15 (that is, a person, entity or asset referred to in paragraph 1(c) of resolution 1373 (2001). Regulations 7 - 12 provide for the procedure referred to in section 22A.

Air security officer program

14. The *Security Legislation Amendment (Terrorism) Act 2002* also amended the *Australian Protective Service Act 1987* and the *Crimes (Aviation) Act 1991* to extend the arrest without warrant powers of Australian Protective Services officers to the terrorist and terrorist bombing offences and ensure that these powers may be exercised on intrastate flights in relation to hijacking and other offences in Part 2 of the Crimes (Aviation) Act. The *Australian Protective Service Act 1987* sets out powers in relation to certain offences for the Australian Protective Service, such as the power of arrest without warrant for hijacking on Australian aircraft. The functions and powers of the Australian Protective Service are contained in sections 6 and 13-18 of the *Australian Protective Service Act 1987*.

Review provision

15. Section 4 of the *Security Legislation Amendment (Terrorism) Act 2002* lays down a requirement for a review of the provisions of the *Security Legislation Amendment (Terrorism) Act 2002*, *Suppression of the Financing of Terrorism Act 2002*, *Border Security Legislation Amendment Act 2002* and the *Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002*. This must be undertaken as soon as practicable after the third anniversary of the commencement of the amendments (i.e., as soon as practicable after 6 July 2005). In the first instance, there will be a review by a committee chaired by a retired judicial officer appointed by the Attorney-General. This committee's report will be forwarded to the Parliamentary Joint Committee on the Australian Security Intelligence Organisation, the Australian Secret Intelligence Service and the Defence Signal Directorate. This second committee is then to undertake a review of the provisions, pursuant to section 29(1)(ba) of the *Intelligence Services Act 2001* and report to Parliament.

United Nations S/2003/514

Security Council

Distr.: General
30 April 2003

Original: English

Letter dated 29 April 2003 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit herewith a statement issued on 15 April 2003 by the Ministerial Meeting of Angola, the Democratic Republic of the Congo and Uganda, which was held at Bunia, Democratic Republic of the Congo (see annex).

At the meeting, Uganda was represented by the Third Deputy Prime Minister and Minister for Foreign Affairs, James Wapakhabulo, and Angola by Jean-Baptiste Mawete, Ambassador to the Democratic Republic of the Congo; Ntumba Luaba, Minister of Human Rights, represented the Democratic Republic of the Congo.

The meeting discussed the following issues:

- Assessment of the results accomplished by the Ituri Pacification Commission.
- Withdrawal of the Uganda People's, Defence Forces from the Democratic Republic of the Congo.
- Assessment of the security mechanism on the western slopes of the Rwenzori Mountains.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) **Semakula Kiwanuka**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Uganda to the United Nations

03-34258 (E) 020503

Annex to the letter dated 29 April 2003 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Final communiqué of the Ministerial Meeting of Angola, the Democratic Republic of the Congo and Uganda

Bunia, 15 April 2003

1. According to the calendar already established by the Ituri Pacification Commission (IPC), representatives of the Governments of Angola, the Democratic Republic of the Congo and Uganda, as signatories of the Luanda Agreement dated 6 September 2002, with the participation of MONUC, represented by the Special Representative of the Secretary-General, Mr. Namanga Ngongi, met in Bunia on 15 April 2003. Uganda was represented by the Third Deputy Prime Minister and Minister of Foreign Affairs, H.E. Mr. James Wapakhabulo; the Democratic Republic of the Congo was represented by the Minister of Human Rights, H.E. Mr. Ntumba Luaba. Angola, who chaired the meeting, was represented by its Ambassador to the Democratic Republic of the Congo, H.E. Mr. Jean-Baptiste Mawete.

2. The agenda of the meeting included the three following items: assessment of the results accomplished by IPC; withdrawal of the UPDF from the Democratic Republic of the Congo; and the assessment of the security mechanism regarding the western slopes of the Rwenzori Mountains.

Assessment of IPC results

3. The delegations received an IPC analytical briefing presented by the Deputy Special Representative of the Secretary-General and chairman of IPC, who congratulated the Congolese and Ugandan Governments for their active participation in the work of IPC, confirmed that IPC had made the Ituri population assume its responsibility, underlined the temporary character of the interim mechanism of pacification of Ituri resulting from IPC, and called on the international community to provide full support for the recently launched process of pacification. The delegations expressed their total satisfaction with the results of the IPC. The Government of the Democratic Republic of the Congo expressed the wish that the interim mechanism would be implemented without delay with a view to avoiding any uncertainty within the administration. MONUC confirmed that the Interim Special Assembly had just been set up.

4. The delegations seized the opportunity to condemn the massacres and other violations of human rights that took place in the area prior to and during the convening of IPC.

UPDF withdrawal

5. Regarding the withdrawal of Ugandan troops from the Democratic Republic of the Congo, the Government of the Democratic Republic of the Congo wished that Uganda would communicate its detailed plan of withdrawal, in accordance with the Luanda Agreement, and insisted upon the deployment in Ituri of an international force as well as the National Congolese Police.

6. The Ugandan delegation provided detailed explanations regarding the Ugandan presence in Bunia and Ituri, and confirmed that the exact technical information (exact strength and location of troops) would be officially conveyed to MONUC. The Ugandan delegation recalled further the presence of elements of Ugandan dissidents deployed in Ituri, and recalled also the permanent dangers of confrontation among ethnic armed groups. Uganda reaffirmed its willingness to put into effect the withdrawal of all UPDF troops by 24 April 2003. The Ugandan delegation indicated however its wish for the deployment of an international force in Ituri to replace the UPDF, in order to avoid any security vacuum.

7. MONUC indicated that an exact assessment of the security context of Ituri is in the course of being made, that necessary recommendations would be submitted to United Nations Headquarters and that a quick and appropriate response would be given. In addition, MONUC would ensure logistical conditions in Bunia and in the region with the aim of possible deployment of an international force.

Security mechanism regarding the western slopes of the Rwenzori Mountains

8. The Congolese and Ugandan delegations reiterated the need and urgency for the implementation of the security mechanism regarding the western slopes of the Rwenzori Mountains. It was agreed to leave it to experts from both parties to re-examine practical modalities at a later date.

Bunia
Democratic Republic of the Congo
15 April 2003

Signed

For the Government of the Republic of Uganda
James **Wapakhabulo**

For the Government of the Democratic Republic of the Congo
Ntumba **Luaba**

For the Government of Angola
Jean-Baptiste **Mawete**

For MONUC
Namanga Ngongi

United Nations S/2003/515

Security Council

Distr.: General
1 May 2003

Original: English

Letter dated 30 April 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1474 (2003), adopted by the Council on 8 April 2003, concerning Somalia. In paragraph 3 of that resolution, the Council decided to re-establish a Panel of Experts for a period of six months, commencing no later than three weeks from the date of the adoption of the resolution, to be based in Nairobi. The Panel is mandated, inter alia, to investigate the violations of the arms embargo covering access to Somalia by land, air and sea, and to refine the recommendations provided in the report of the Panel (S/2003/223). In paragraph 4 of the resolution, the Council requested me to appoint up to four Panel members, including the Chairman.

Accordingly, I wish to inform you that, after consultation with the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia and taking into account the requirements stated in resolution 1474 (2003), including that I draw, as much as possible and as appropriate, on the expertise of the members of the Panel established pursuant to resolution 1425 (2002), I have appointed the following experts:

Edward Howard Johns (United States of America)

Mohamed Abdoulaye M'Backe (Senegal)

Johan Peleman (Belgium)

Pavanjeet Singh Sandhu (India)

I have also designated Mr. Peleman to chair the Panel.

I should be grateful if you would bring this information to the attention of the members of the Council.

(*Signed*) Kofi A. **Annan**

03-34384 (E) 010503

United Nations S/2003/516

Security Council

Distr.: General
1 May 2003

Original: English

Letter dated 1 May 2003 from the Permanent Representative of Mexico to the United Nations addressed to the President of the Security Council

I attach my reply (see annex) to a letter dated 28 April 2003 from the Permanent Representative of India to the United Nations (S/2003/508), and I request you, in your capacity as President of the Security Council, to circulate the present letter and its annex as a document of the Council.

(*Signed*) Adolfo **Aguilar Zinser**
Ambassador
Permanent Representative of Mexico

03-34366 (E) 010503

Annex to the letter dated 1 May 2003 from the Permanent Representative of Mexico to the United Nations addressed to the President of the Security Council

Letter dated 30 April 2003 from the Permanent Representative of Mexico to the United Nations addressed to the Permanent Representative of India to the United Nations

With reference to your letter of 28 April 2003 (S/2003/508), regarding the participation of non-members of the Security Council in the wrap-up meeting of the Council on 30 April 2003, and upon instructions from my Government, I would like to refer to the following issues, in my capacity as Permanent Representative of Mexico to the United Nations.

First, allow me to reiterate the strong commitment of the Government of Mexico to the openness and transparency of the Council and the importance we attach to a more frequent and substantive interaction between Members and non-members of the Council. We have stated this in our letter addressed to the honourable Permanent Representative of the Republic of Korea, as Chair of the Asian Group for the month of April, and we have worked in different forums, including the Council, to make such interaction real and effective.

With this in mind and with the purpose of maximizing the use of our time in order to have a short but useful session, while at the same time seeking equitable representation of views from participants of all regions during the meeting, we have chosen a format already used with success in previous Council open meetings, including the wrap-up meetings held during 2002.

As you rightly mention in your letter, our proposal for regional groups to select two interested countries from the relevant region to participate in the session is merely a suggestion that cannot be interpreted as an "imposition", or qualified as an "illogical" or "arbitrary" measure since it does not preclude any Member State from participating in accordance with the appropriate procedures and practices of the Council. It is my understanding that the suggested procedure worked positively in the Asian Group since there were never more than two delegations interested in taking the floor during the wrap-up meeting.

To my knowledge, the delegation of India did not manifest any interest in participating. Had this been the case, Mexico would have ensured such participation, to which India is fully entitled.

Regarding such issues as the diverse composition and nature of the different regional groups, it is not incumbent upon the President of the Council to make any comments or decisions. We understand your views regarding representation from the Asian Group, as well as the fact that substantive issues are not within the scope of its discussions. That should not represent a problem in this case since, as you correctly note in your letter, countries selected by regional groups are not expected to represent regional positions, precisely in order to avoid any contradiction with the mandates of the groups.

It is true that wrap-up meetings have focused mainly on reviewing the work of the Council during the month. In so doing, it has been necessary to identify a common factor and to encompass the broadest possible range of issues considered

by the Council during the month under a comprehensive theme in order to have a coherent and focused discussion. The theme "The role of the United Nations in post-conflict situations" covers the work of the Council during the month of April, in particular concerning the situation in Afghanistan, Timor-Leste, Kosovo and Sierra Leone, as outlined in the non-paper which was circulated regarding the wrap-up meeting. The subject becomes even more relevant in the context of ongoing discussions of the role of the United Nations in Iraq.

Finally, I would like to underline that the participation of Mexico in the Council will continue to be guided by an open and transparent commitment to address any issue relevant to the maintenance of peace and security and the peaceful settlement of disputes.

I sincerely hope the above clarifications have solved your concerns and questions. The letter you addressed to me in my capacity as President of the Council on 28 April 2003 has been circulated as a document of the Council, as you requested (see S/2003/508).

(*Signed*) Adolfo **Aguilar Zinser**
Ambassador
Permanent Representative of Mexico to the United Nations